

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL JOHN PISKANIN,	:	CIVIL ACTION NO. 1:13-CV-1487
	:	
Petitioner,	:	(Judge Conner)
	:	
v.	:	
	:	
UNITED STATES SOCIAL	:	
SECURITY ADMINISTRATION,	:	
<i>et al.,</i>	:	
	:	
Respondents	:	

MEMORANDUM

On June 7, 2013, a Memorandum and Order issued dismissing the petitioner's petition for writ of habeas corpus without prejudice. (Doc. 3). At that time, the Court inadvertently failed to address the issuance of a Certificate of Appealability. Therefore, following the filing of a Notice of Appeal, the matter was remanded to the undersigned to make a determination as to whether a certificate of appealability should issue. (Doc. 6).

Pursuant to 28 U.S.C. § 2253(c), unless a circuit justice or judge issues a certificate of appealability ("COA"), an appeal may not be taken from a final order in a proceeding under 28 U.S.C. § 2254. A COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322 (2003)).

The petition for writ of habeas corpus was dismissed without prejudice for lack of jurisdiction, and petitioner's right to further pursue his challenges to detainers lodged by the states of New Jersey and New York in the appropriate forum has not been foreclosed. Jurists of reason would not find the disposition of this case debatable. Accordingly, it is determined that there is no basis for the issuance of a certificate of appealability as petitioner has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2).

An appropriate order follows.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

Dated: July 2, 2013

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UNITED STATES SOCIAL	:	
SECURITY ADMINISTRATION,	:	
<i>et al.,</i>	:	
	:	
Respondents	:	

ORDER

AND NOW, this 2nd day of July, 2013, it is hereby ORDERED that there is no basis for the issuance of a certificate of appealability.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge